

EXHIBIT 64

Miami, FL

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

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 IN RE: PHARMACEUTICAL) MDL NO. 1456
 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
 PRICE LITIGATION) 01-CV-12257-PBS
 THIS DOCUMENT RELATES TO)
 U.S. ex rel. Ven-A-Care of) Judge Patti B. Saris
 the Florida Keys, Inc.,)
 vs.) Chief Magistrate
 Abbott Laboratories, Inc.,) Judge Marianne B.
 No. 06-CV-11337-PBS) Bowler
 - - - - -

(Captions continued on following pages)

VOLUME II - CONTAINS HIGHLY CONFIDENTIAL PORTIONS

DEPOSITION OF VEN-A-CARE (T. MARK JONES)

Videotaped deposition of Ven-A-Care (T. Mark
 Jones), held at the Law Offices of Hunton & Williams,
 LLP, 1111 Brickell Avenue, Suite 2500, Miami, Florida,
 33131, on Wednesday, March 19, 2008, commencing at
 8:59 a.m., before Donald W. McKay, RMR, CRR, a Notary
 Public for the State of Florida.

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1 A. Not that I can recall, no.
 2 Q. And on Exhibit 546 is a letter to Pete
 3 Stark from January of 1998.
 4 A. Right.
 5 Q. The last sentence on the first page of
 6 that letter reads -- and this is referring to
 7 your meeting in September 1995 with HCFA.
 8 A. Right.
 9 Q. Quote, "During that meeting, we were
 10 shocked by certain statements made by certain
 11 HCFA officials concerning their understanding
 12 that the term AWP had never been legislatively or
 13 administratively defined by the Federal
 14 Government," close quote.
 15 Was that statement made during your
 16 September 1995 meeting?
 17 A. I remember it being said that AWP isn't
 18 defined. That's how I remember these. I don't
 19 remember it being legislatively or
 20 administratively defined.
 21 Q. The people who were making that
 22 statement, they were the people at HCFA who were

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1 responsible for administering the Medicare and
 2 Medicaid programs. Correct?
 3 A. To the best of my recollection, I
 4 remember it being Sheree Kanner who was the
 5 general counsel for HCFA.
 6 Q. You remember it was Ms. Kanner who said
 7 that AWP --
 8 A. That's how I remember it, yes.
 9 Q. And as the office of general counsel,
 10 you understand that Ms. Kanner was HCFA's lawyer.
 11 Correct?
 12 MR. BREEN: Objection to form.
 13 THE WITNESS: Yeah. I guess.
 14 BY MR. COOK:
 15 Q. Did you disagree with Ms. Kanner about
 16 whether AWP had ever been legislatively or
 17 administratively defined by the Federal
 18 Government?
 19 A. I don't remember if I had any dialogue
 20 with her over it.
 21 Q. Did Mr. Lavine disagree with Ms. Kanner
 22 at this meeting?

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1 A. I don't remember it being a big
 2 dialogue. I think it was a statement that I
 3 remember.
 4 Q. Do you remember anybody at that meeting
 5 disagreeing with Ms. Kanner that AWP had never
 6 been legislatively or administratively defined by
 7 the Federal Government?
 8 A. No.
 9 Q. In fact, Mr. Jones, had AWP ever been
 10 legislatively or administratively defined by the
 11 Federal Government as of 1995?
 12 MR. BREEN: Objection to the form.
 13 THE WITNESS: Not to my knowledge.
 14 (Exhibit Abbott 711 was thereupon
 15 marked.)
 16 MR. COOK: I have an exhibit I'd like
 17 to mark as Exhibit 711. I'll hand you a copy of
 18 it.
 19 For the record, Exhibit 711 is titled
 20 to be, "Presentation to HCFA in December of
 21 1998," and appears to be information that Ven-a-
 22 Care provided to HCFA at a meeting on December 7,

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1 1998, in Baltimore, Maryland.
 2 BY MR. COOK:
 3 Q. Do you recognize this material?
 4 A. This would be the presentation, yes.
 5 Q. Do you recall this follow-up meeting
 6 with HCFA in December of 1998?
 7 A. Do I recall it? Yes.
 8 Q. Who attended this meeting?
 9 A. It would be all of Ven-a-Care, Jim
 10 Breen, Atlee Wampler, Reed Stephens, Rob Vito, I
 11 believe -- I believe George Grob, Nancy-Ann Min
 12 DeParle, and I believe Sheree Kanner.
 13 MR. BREEN: I want to ask that the
 14 witness --
 15 MR. COOK: I'll clear it up, Jim.
 16 MR. BREEN: Because we've got our dates
 17 mixed up.
 18 BY MR. COOK:
 19 Q. There was a meeting in March of 1998 in
 20 which you appeared in Nancy-Ann Min DeParle's
 21 office. Right?
 22 A. You're right.

53 (Pages 551 to 554)

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